

AMENDED IN ASSEMBLY MAY 10, 2004  
AMENDED IN SENATE JANUARY 26, 2004  
AMENDED IN SENATE JANUARY 16, 2004  
AMENDED IN SENATE JANUARY 8, 2004

**SENATE BILL**

**No. 905**

**Introduced by Senator Chesbro**  
**(Coauthors: Senators Aanestad and Ashburn)**

February 21, 2003

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An act to amend, ~~repeal, and add Section 48800~~ *Sections 48800 and 76002* of the Education Code, relating to educational enrichment, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 905, as amended, Chesbro. Educational enrichment: concurrent enrollment of pupils in high school and community college.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law authorizes the governing board of a community college district to admit to any community college under its jurisdiction as a special part-time student a high school pupil who is determined by the governing board of his or her school district of attendance to be likely to benefit from advanced scholastic or vocational work.

Existing law authorizes a principal to recommend a pupil as a special student for community college summer session attendance, but prohibits the principal from recommending a number of pupils who have completed a particular grade in excess of 5% of the total number of pupils in the school who have completed that grade immediately prior to the time of recommendation. Existing law also requires that a principal may only recommend a pupil as a special student for community college summer session attendance if that pupil demonstrates adequate preparation in the discipline to be studied and exhausts all opportunities to enroll in an equivalent course, if any, at his or her school of attendance.

~~This bill would increase delete the 5% limit referenced above to 10%, which would remain in effect until January 1, 2010, at which time the limit would return to 5%, and would also delete the requirements that a principal may only recommend a pupil for community college summer attendance if that pupil demonstrates adequate preparation in the discipline to be studied and if that pupil has exhausted all opportunities to enroll in an equivalent course, if any, at his or her school of attendance.~~

*Existing law requires the Chancellor of the California Community Colleges to prepare and submit to the Department of Finance and the Legislature, on or before March 1, 2004, and March 1 of each year thereafter, a report on the amount of full-time equivalent students claimed by each community college district for special part-time and special full-time students for the preceding academic year in each of several prescribed categories.*

*This bill would require the prescribed categories in the report to be classified by academic term.*

*The bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~ <sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. It is the intent of the Legislature that growth in
- 2 the summer session enrollment of part-time, specially-admitted
- 3 students at community colleges, which could result from the
- 4 amendments made by this act to Section 48800 of the Education
- 5 Code, should not displace regularly admitted students.



SEC. 2. Section 48800 of the Education Code is amended to read:

48800. (a) The governing board of a school district may determine which pupils would benefit from advanced scholastic or vocational work. The intent of this section is to provide educational enrichment opportunities for a limited number of eligible pupils, rather than to reduce current course requirements of elementary and secondary schools. The governing board may authorize those pupils, upon recommendation of the principal of the pupil's school of attendance, and with parental consent, to attend a community college during any session or term as special part-time or full-time students and to undertake one or more courses of instruction offered at the community college level.

(b) If the governing board denies a request for a special part-time or full-time enrollment at a community college for any session or term for a pupil who is identified as highly gifted, the board shall issue its written recommendation and the reasons for the denial within 60 days. The written recommendation and denial shall be issued at the next regularly scheduled board meeting that falls at least 30 days after the request has been submitted.

(c) The students shall receive credit for community college courses that they complete at the level determined appropriate by the school district and community college district governing boards.

~~(d) (1) The principal of a school may only recommend a pupil~~

SEC. 3. Section 76002 of the Education Code is amended to read:

76002. (a) For the purposes of receiving state apportionments, a community college district may include high school pupils who attend a community college within the district pursuant to Sections 48800 and 76001 in the district's report of full-time equivalent students (FTES) only if those pupils are enrolled in community college classes that meet all of the following criteria:

(1) The class is open to the general public.

(2) (A) The class is advertised as open to the general public in one or more of the following:

(i) The college catalog.

(ii) The regular schedule of classes.

1 (iii) An ~~addenda~~ *addendum* to the college catalog or regular  
2 schedule of classes.

3 (B) If a decision to offer a class on a high school campus is  
4 made after the publication of the regular schedule of classes, and  
5 the class is solely advertised to the general public through  
6 electronic media, the class shall be so advertised for a minimum  
7 of 30 continuous days prior to the first meeting of the class.

8 (3) If the class is offered at a high school campus, the class may  
9 not be held during the time the campus is closed to the general  
10 public, as defined by the governing board of the school district  
11 during a regularly scheduled board meeting.

12 (4) If the class is a physical education class, no more than 10  
13 percent of its enrollment may be ~~comprised~~ *composed* of special  
14 part-time or full-time students. A community college district may  
15 not receive state apportionments for special part-time and  
16 full-time students enrolled in physical education courses in excess  
17 of 5 percent of the district's total reported full-time equivalent  
18 enrollment of special part-time and full-time students.

19 (b) The governing board of a community college district may  
20 restrict the admission or enrollment of a special part-time or  
21 full-time student during any session based on any of the following  
22 criteria:

23 (1) Age.

24 (2) Completion of a specified grade level.

25 (3) Demonstrated eligibility for instruction using assessment  
26 methods and procedures established pursuant to Chapter 2  
27 (commencing with Section 78210) of Part 48 and regulations  
28 adopted by the Board of Governors of the California Community  
29 Colleges.

30 (c) The Chancellor of the California Community Colleges shall  
31 prepare and submit to the Department of Finance and the  
32 Legislature, on or before March 1, 2004, and March 1 of each year  
33 thereafter, a report on the amount of FTES claimed by each  
34 community college district for special part-time and special  
35 full-time students for the preceding academic year in each of the  
36 following class categories, *classified by academic term*:

37 (1) Noncredit.

38 (2) Nondegree-applicable.

39 (3) Degree-applicable, excluding physical education.

40 (4) Degree-applicable physical education.

(d) The Board of Governors of the California Community Colleges shall adopt rules and regulations to implement this section.

*SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:*

*So that this act may be operative in time for the beginning of the summer term of the 2004–05 academic year, it is necessary that this act take effect immediately.*

for community college summer session if that pupil meets all of the following criteria:

(A) ~~Demonstrates adequate preparation in the discipline to be studied.~~

(B) ~~Exhausts all opportunities to enroll in an equivalent course, if any, at his or her school of attendance.~~

(2) ~~For any particular grade level, a principal may not recommend for community college summer session attendance more than 10 percent of the total number of pupils who completed that grade immediately prior to the time of recommendation.~~

(3) ~~Notwithstanding Article 3 (commencing with Section 33050) of Chapter 1 of Part 20, compliance with this subdivision may not be waived.~~

(e) ~~This section shall remain in effect only until January 1, 2010, and as of that date is repealed.~~

~~SEC. 3. Section 48800 is added to the Education Code, to read:~~

~~48800. (a) The governing board of a school district may determine which pupils would benefit from advanced scholastic or vocational work. The intent of this section is to provide educational enrichment opportunities for a limited number of eligible pupils, rather than to reduce current course requirements of elementary and secondary schools. The governing board may authorize those pupils, upon recommendation of the principal of the pupil's school of attendance, and with parental consent, to attend a community college during any session or term as special part-time or full-time students and to undertake one or more courses of instruction offered at the community college level.~~

~~(b) If the governing board denies a request for a special part-time or full-time enrollment at a community college for any~~

1 session or term for a pupil who is identified as highly gifted, the  
2 board shall issue its written recommendation and the reasons for  
3 the denial within 60 days. The written recommendation and denial  
4 shall be issued at the next regularly scheduled board meeting that  
5 falls at least 30 days after the request has been submitted.

6 ~~(c) The students shall receive credit for community college~~  
7 ~~courses that they complete at the level determined appropriate by~~  
8 ~~the school district and community college district governing~~  
9 ~~boards.~~

10 ~~(d) (1) The principal of a school may only recommend a pupil~~  
11 ~~for community college summer session if that pupil meets all of the~~  
12 ~~following criteria:~~

13 ~~(A) Demonstrates adequate preparation in the discipline to be~~  
14 ~~studied.~~

15 ~~(B) Exhausts all opportunities to enroll in an equivalent course,~~  
16 ~~if any, at his or her school of attendance.~~

17 ~~(2) For any particular grade level, a principal may not~~  
18 ~~recommend for community college summer session attendance~~  
19 ~~more than 5 percent of the total number of pupils who completed~~  
20 ~~that grade immediately prior to the time of recommendation.~~

21 ~~(3) Notwithstanding Article 3 (commencing with Section~~  
22 ~~33050) of Chapter 1 of Part 20, compliance with this subdivision~~  
23 ~~may not be waived.~~

24 ~~(e) This section shall become operative on January 1, 2010.~~